IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5709 OF 2004

Shri Rahul Gorakh Kamble ..Petitioner

V/s.

State of Maharashtra & Ors. ..Respondents

Mr.I.M.Khairdi for the petitioner.

Mr.C.R.Sonawane, Assistant Government Pleader for Respondent No.1 & 2.

Mr.Nitin Jamdar for Respondent No.3.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 2.5.2005.

PC

. Heard.

2. The Writ petition is misconceived and is liable to be rejected and we order accordingly.

3. The petitioner initially pursued the remedy of Civil suit for the redressal of his grievance. The said Civil suit was dismissed by the II Jt.Civil Judge, Senior Division, Solapur vide Judgment and decree dated 20.4.2000. The learned trial Judge recorded the finding that the present petitioner (plaintiff there-in) failed to prove that

recruitment of Junior clerk was illegal and void. He also recorded the finding that the respondents (the defendants there-in) proved that the process of recruitment of the post of Junior Clerk was completed as per the policy framed by Solapur Municipal Corporation. Aggrieved by the dismissal of the suit, the present petitioner preferred appeal. The Vth Additional District Judge, Solapur did not find any infirmity in the Judgment and decree of the trial Court and dismissed the appeal on 28.8.2001. The petitioner then preferred Second Appeal before this Court without any success. Having exhausted the civil remedy right upto this Court, the present Writ petition has been filed which is nothing but the abuse of process of the Court.

4. Dismissed in limine.

(R.M.LODHA,J)

(R.S.MOHITE,J)